

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL RODRIGUEZ,

No. C 11-80155 MISC

Plaintiff,

**ORDER GRANTING PERMISSION TO  
FILE COMPLAINT AND DIRECTING  
CLERK TO REOPEN THIS  
MISCELLANEOUS CASE AS A NEW  
CIVIL ACTION**

v.

ROBIN BARRETT,

Defendant.

On July 6, 2011, *pro se* plaintiff Daniel Rodriguez filed a "Motion to Reconsider," challenging the U.S. Citizenship and Immigration Services' denial of his application for adjustment of status. *See generally Cabaccang v. United States Citizenship and Immigration Servs.*, 627 F.3d 1313 (9th Cir. 2010). The filing was opened as a miscellaneous case. Mr. Rodriguez also filed an application to proceed *in forma pauperis*.

Mr. Rodriguez is subject to a pre-filing order requiring that the General Duty Judge review any new filing by Mr. Rodriguez. *See Rodriguez v. City and County of San Francisco*, C 08-5257 MHP (Docket No. 15). The Court has reviewed the Motion to Reconsider and attached documents, and determines that the Motion to Reconsider raises claims different from those raised by Mr. Rodriguez in the earlier cases, and thus that this case may be filed. The Court also finds that this miscellaneous action should be reopened as a civil action. Accordingly, the Court directs the Clerk of the Court to file this action as a new civil case.

**IT IS SO ORDERED.**

Dated: July 14, 2011



SUSAN ILLSTON  
United States District Judge